

VERSION OF AMENDMENTS WITH MARKINGS TO SHOW CHANGES:

IN THE SPECIFICATION:

On page 11, line 13, please delete "360 degree radius" and replace with  
- - circumference - -.

IN THE CLAIMS:

1. (Twice Amended) An apparatus for holding paint comprising:
  - a. one or more paint storage compartments for storing paint having a front, a back, a first side, a second side and a base;
  - b. a frame configured for holding the paint storage compartments; and
  - c. means for dispensing removeably coupled to the paint storage compartments for dispensing paint from the paint storage compartments, wherein the means for dispensing is capable of dispensing paint without lifting the paint compartments.
7. (Amended) An apparatus for storing paint comprising:
  - a. a paint storage compartment for storing paint having a front, a back, a planar first side, a planar second side and a base;
  - b. a frame configured for holding the paint storage compartment;
  - c. a lid for covering the paint storage compartment; and
  - d. a stirring assembly removably coupled to the lid for stirring the paint stored in the paint storage compartment when the lid is covering the paint storage compartment.
11. (Amended) An apparatus for storing paint comprising:
  - a. a paint storage compartment for storing paint having a front, a back, a first side, a second side and a base;
  - b. a frame configured for holding the paint storage compartment;
  - c. a dispensing mechanism removably coupled to the paint storage compartment for dispensing paint from the paint storage compartment, wherein the dispensing mechanism is capable of dispensing paint without lifting the paint compartment;
  - d. a lid for covering the paint storage compartment; and
  - e. a stirring assembly removably coupled to the lid for stirring the paint stored in the paint storage compartment.

16. (Twice Amended) A reusable paint container comprising:
- a. a paint compartment for storing paint;
  - b. a body configured for holding the paint compartment having a front, a back, a planar first side and a planar second side;
  - c. a lid removeably coupled to the paint compartment having an outer side, an inner opposite side and a small aperture located through the lid from the outer side to the inner opposite side;
  - d. a stirring mechanism removeably coupled to the outer side of the lid having an integrally formed rod located at a central axis of the stirring mechanism, wherein the rod is positioned through the small aperture in the lid to extend into the paint compartment when the lid is positioned over the paint compartment; and
  - e. a fan apparatus removeably coupled to the rod of the stirring mechanism on the inner opposite side of the lid.
22. (Twice Amended) A reusable paint container comprising:
- a. a body having a first side and a second side, wherein the body is configured for holding paint within one or more integral paint compartments each having a front, a back, a planar first side and a planar second side;
  - b. a lid removeably coupled to the paint compartments having an outer side, an inner opposite side and a small aperture located through the lid from the outer side to the inner opposite side;
  - c. a stirring mechanism removeably coupled to the outer side of the lid having an integrally formed rod located at a central axis of the stirring mechanism, wherein the rod is positioned through the small aperture in the lid to extend into a corresponding paint compartment when the lid is positioned over the corresponding paint compartment; and
  - d. a fan apparatus removeably coupled to the rod of the stirring mechanism on the inner opposite side of the lid.

### **REMARKS**

Applicants respectfully request further examination and reconsideration in view of the amendments made above and comments set forth fully below. Within the Office Action, all of the Claims 1-28 were rejected. Claims 1-28 still remain pending.

#### **Objections to the Specifications**

Within the Office Action, it is stated that the phrase "360 degree radius" should read - - circumference - - on page 11, line 13. This change has been made by the above amendment per the Examiner's suggestion.

#### **Rejections Under 35 U.S.C. § 102**

Claims 1-18 and 22-25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 2,802,649 to Stockton (hereinafter "Stockton"). The Applicant respectfully disagrees with the Examiner.

Stockton teaches a paint mixing apparatus to keep a can of paint in mixed condition until use, and a device which will maintain a plurality of cans of paint of various colors in mixed condition in a paint shop. (Stockton, Column 1, lines 15-18). Specifically, Stockton teaches a mixing machine comprised of a plurality of spaced horizontally disposed shelves coupled to a paint can. Stockton does not teach a frame or a body configured for holding one or more paint storage compartments. In fact, Stockton teaches away from using either a frame or body configured for holding one or more paint storage compartments. Further, Stockton teaches a paint can (50) coupled to a closure (40), wherein the paint can is comprised of 3 sides; a top, a bottom, and an inner side. Stockton does not teach one or more paint storage compartments for storing paint having at least a front, a back, a first side, a second side and a base. Stockton further does not teach that the first side and the second side are planar. Moreover, Stockton teaches a top pour spout (45,46) that is permanently attached to the top closure (40). (Stockton, Column 3, lines 46-48). Moreover, because the pour spout is attached to the top closure, Stockton discloses a top pour spout (45,46) that requires the lifting of the paint can from the shelf in order to dispense the paint. Stockton does not teach a dispensing means capable of dispensing paint without lifting the paint compartments. Further, Stockton does not teach a dispensing means that is *removeably* coupled to a paint storage compartment. Additionally, Stockton teaches a paddle (13) mounted on a shaft (14) coupled to the closure (40) by means of a boss (44). (Stockton, Column 3, lines 27-32). Therefore, Stockton teaches a shaft (13) coupled to a closure (40), by an independent non-removeable means. Stockton does not teach a stirring

means *removeably* coupled to a lid. Further, Stockton does not teach a fan apparatus *removably* coupled to a rod. As such, the teachings of Stockton do not anticipate the present invention.

In contrast to the teachings of Stockton, the present invention is directed towards a mountable reusable paint container including one or more separate storage compartments formed in downward sloping configuration with each compartment having a spigot coupled to the base for dispensing the stored paint. (Abstract). In one aspect of the present invention, a frame is configured for holding the paint storage compartment. (Specification, page 3, line 22). In another aspect of the present invention, a body is configured for holding the paint compartment. (Specification, page 4, line 7). Moreover, the present invention specifies a means for dispensing removably coupled to the paint storage compartment. (Specification, page 2, lines 18-19). Furthermore, in contrast to the teachings of Stockton, the present invention teaches a dispensing means for dispensing paint without having to lift the paint storage compartments from a wall or a resting surface. Further, the present invention specifies a stirring mechanism that is removably coupled to the paint storage compartments. (Specification, page 4, lines 10-11). Additionally, the present invention specifies a fan apparatus that is removeably coupled to the rod of the stirring mechanism. (Specification, page 4, line 14). As discussed above, Stockton does not teach a mountable reusable paint container including one or more separate storage compartments formed in downward sloping configuration with each compartment having a spigot coupled to the base for dispensing the stored paint.

Within the Response to Arguments section of the office action, it is stated that the "paint can 50" meets all the limitations of the storage compartments. For the reasons set forth above, the Applicant respectfully submits that the "paint can 50" no longer meets all the limitations of the storage compartments, including the limitations added by the above amendments.

The independent Claim 1 is directed towards an apparatus for holding paint comprising one or more paint storage compartments for storing paint having a front, a back, a first side, a second side and a base, a frame configured for holding the paint storage compartments, and means for dispensing removeably coupled to the paint storage compartments for dispensing paint from the paint storage compartments. It is further specified in Claim 1 that the means for dispensing is capable of dispensing paint without lifting the paint compartments. As discussed above, Stockton does not specify one or more paint storage compartments for storing paint having a front, a back, a first side, a second side and a base. Furthermore, Stockton does not specify a frame configured for holding the paint storage compartments. Stockton also does not specify a means for dispensing removeably coupled to the paint storage compartments for dispensing paint from the paint storage compartments. Moreover, the means of dispensing the

paint in Stockton discloses a method of pouring paint from the paint can which inherently requires the tilting or lifting of the paint can. Whereas the present invention discloses a dispensing means which does not require the lifting or tilting of the paint compartments in order to dispense the paint. For at least these reasons, the independent Claim 1 is allowable over the teachings of Stockton.

Claims 2-6 are dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Stockton. Accordingly, the dependent Claims 2-6 are allowable as being dependent on an allowable base claim.

The independent Claim 7 is directed towards an apparatus for storing paint comprising a paint storage compartment for storing paint having a front, a back, a planar first side, a planar second side and a base, a frame configured for holding the paint storage compartment, a lid for covering the paint storage compartment, and a stirring assembly removeably coupled to the lid for stirring the paint stored in the paint storage compartment when the lid is covering the paint storage compartment. As discussed above, Stockton does not teach a paint storage compartment for storing paint having a front, a back, a planar first side, a planar second side and a base. Moreover, Stockton does not teach a frame configured for holding the paint storage compartment. Furthermore, Stockton does not teach a stirring assembly *removeably* coupled to the lid for stirring the paint stored in the paint storage compartment when the lid is covering the paint storage compartment. For at least these reasons, Claim 7 is allowable over the teachings of Stockton.

Claims 8-10 are dependent on the independent Claim 7. As discussed above, the independent Claim 7 is allowable over the teachings of Stockton. Accordingly, the dependent Claims 8-10 are allowable as being dependent on an allowable base claim.

The independent Claim 11 is directed towards an apparatus for storing paint comprising a paint storage compartment for storing paint having a front, a back, a first side, a second side and a base, a frame configured for holding the paint storage compartment, a dispensing mechanism removeably coupled to the paint storage compartment for dispensing paint from the paint storage compartment, wherein the dispensing mechanism is capable of dispensing paint without lifting the paint compartment, a lid for covering the paint storage compartment, and a stirring assembly removeably coupled to the lid for stirring the paint stored in the paint storage compartment. As discussed above, Stockton does not teach a paint storage compartment for storing paint having a front, a back, a first side, a second side and a base. Moreover, Stockton does not teach a frame configured for holding the paint storage compartment. Furthermore, Stockton does not teach a stirring assembly *removeably* coupled to the lid for stirring the paint stored in the paint storage

compartment when the lid is covering the paint storage compartment. Stockton also does not teach a dispensing mechanism *removeably* coupled to the paint storage compartment for dispensing paint from the paint storage compartment. The dispensing mechanism in Stockton discloses a method of pouring paint from the paint can which inherently requires the tilting or lifting of the paint can. Whereas the present invention discloses a dispensing mechanism which does not require the lifting or tilting of the paint compartments in order to dispense the paint. For at least these reasons, Claim 11 is allowable over the teachings of Stockton.

Claims 12-15 are dependent on the independent Claim 11. As discussed above, the independent Claim 11 is allowable over the teachings of Stockton. Accordingly, the dependent Claims 12-15 are allowable as being dependent on an allowable base claim.

The independent Claim 16 is directed towards a reusable paint container comprising a paint compartment for storing paint, a body configured for holding the paint compartment having a front, a back, a planar first side and a planar second side, a lid removeably coupled to the paint compartment having an outer side, an inner opposite side and a small aperture located through the lid from the outer side to the inner opposite side, a stirring mechanism removeably coupled to the outer side of the lid, and a fan apparatus removeably coupled to the rod of the stirring mechanism. As discussed above, Stockton does not teach a reusable paint container comprising a paint compartment for storing paint having a front, a back, a planar first side and a planar second side. Moreover, Stockton only specifies one paint container. Thus, unlike the current invention which is comprised of a *body and a paint compartment*, Stockton does not teach a body configured for holding the paint compartment having a front, a back, a planar first side and a planar second side. Further, Stockton does not teach a fan apparatus *removeably* coupled to the rod of the stirring mechanism. For at least these reasons, Claim 16 is allowable over the teachings of Stockton.

Claims 17-18 are dependent on the independent Claim 16. As discussed above, the independent Claim 16 is allowable over the teachings of Stockton. Accordingly, the dependent Claims 17-18 are allowable as being dependent on an allowable base claim.

The independent Claim 22 is directed towards a reusable paint container comprising a body having a first side and a second side, wherein the body is configured for holding paint within one or more integral paint compartments having a front, a back, a planar first side and a planar second side, a lid removeably coupled to the paint compartments having an outer side, an inner opposite side and a small aperture located through the lid from the outer side to the inner opposite side, a stirring mechanism removeably coupled to the outer side of the lid, and a fan apparatus removeably coupled to the rod of the stirring mechanism. As discussed above,

Stockton does not teach a reusable paint container comprising a body having a first side and a second side, wherein the body is configured for holding paint within one or more integral paint compartments having a front, a back, a planar first side and a planar second side. Moreover, Stockton does not teach a body having a first side and second side, wherein the body is configured for holding paint within one or more integral paint compartments. Further, Stockton does not teach a stirring mechanism *removeably* coupled to the outer side of the lid. Stockton also does not teach a fan apparatus *removeably* coupled to the rod of the stirring mechanism. For at least these reasons, Claim 22 is allowable over the teachings of Stockton.

Claims 23-25 are dependent on the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Stockton. Accordingly, the dependent Claims 23-25 are allowable as being dependent on an allowable base claim.

Claims 22, 23 and 25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 2,269,736 to Rogers (hereinafter "Rogers"). The Applicant respectfully disagrees.

Rogers teaches a dispensing device for dispensing liquids from a paint can, such as paints, and an effective stirring means by which the liquid in the container may be effectively stirred and the ingredients therein mixed together. (Rogers, Column 1, lines 1-21). Specifically, Rogers teaches a device coupled to the lid of a paint can by means of a suitable bolt (25). (Rogers, Column 2, line 11). The paint can (6) described and illustrated in Rogers has a circular cross-sectional area, and is comprised of only three sides; a top, a bottom and an inner side. (Rogers, Figs 1-2). Rogers does not teach one or more paint storage compartments for storing paint having at least a front, a back, a planar first side, a planar second side and a base. Accordingly, the paint can (6) described in Rogers is inherently distinct to the reusable paint container in the present invention. Moreover, Rogers only specifies one body, the paint can (6) for holding paint. Rogers does not specify a second body for holding the paint can itself. In fact, Rogers teaches away from a body or frame configured for holding one or more paint compartments. Further, Rogers specifies a bearing (13) for a shaft (14) coupled to strengthening ribs (10, 12). (Rogers, Column 1, lines 46 - 47). Rogers does not teach a stirring mechanism *removeably* coupled to the outer side of the lid. Moreover, Rogers specifies cotter pins (36, 37) for holding the sleeves (34, 35) coupled to extending blades (38, 39, 40, 41) in spaced positions on the shaft (14). (Rogers, Column 2, lines 35 - 44). Rogers does not teach a fan apparatus *removeably* coupled to the rod of the stirring mechanism. As such, the teachings of Rogers do not anticipate the present invention.

In contrast to the teachings of Rogers, the present invention is directed towards a

mountable reusable paint container including one or more separate storage compartments formed in downward sloping configuration with each compartment having a spigot coupled to the base for dispensing the stored paint. (Abstract). In one aspect of the present invention, a frame is configured for holding the paint storage compartment. (Specification, page 3, line 22). In another aspect of the present invention, a body is configured for holding the paint compartment. (Specification, page 4, line 7). Moreover, the present invention specifies a means for dispensing removeably coupled to the paint storage compartment. (Specification, page 2, lines 18-19). Further, the present invention specifies a stirring mechanism that is removeably coupled to the paint storage compartments. (Specification, page 4, lines 10-11). Additionally, the present invention specifies a fan apparatus that is removeably coupled to the rod of the stirring mechanism. (Specification, page 4, line 14). As discussed above, Rogers does not teach a mountable reusable paint container including one or more separate storage compartments formed in downward sloping configuration with each compartment having a spigot coupled to the base for dispensing the stored paint.

Within the Response to Arguments section of the office action, it is stated that the "paint can 6" meets all the limitations of the storage compartments. For the reasons set forth above, the Applicant respectfully disagrees that the "paint can 6" of Rogers meets all the limitations of the storage compartments claimed in the present application.

The independent Claim 22 is directed towards a reusable paint container comprising a body having a first side and a second side, wherein the body is configured for holding paint within one or more integral paint compartments having a front, a back, a planar first side and a planar second side, a lid removeably coupled to the paint compartments having an outer side, an inner opposite side and a small aperture located through the lid from the outer side to the inner opposite side, a stirring mechanism removeably coupled to the outer side of the lid, and a fan apparatus removeably coupled to the rod of the stirring mechanism. As discussed above, Rogers does not teach a reusable paint container comprising a body having a first side and a second side, wherein the body is configured for holding paint within one or more integral paint compartments having a front, a back, a planar first side and a planar second side. Moreover, Rogers does not teach a body having a first side and second side, wherein the body is configured for holding paint within one or more integral paint compartments. Further, Rogers does not teach a stirring mechanism *removeably* coupled to the outer side of the lid. Rogers also does not teach a fan apparatus *removeably* coupled to the rod of the stirring mechanism. For at least these reasons, the independent Claim 22 is allowable over the teachings of Rogers.



Claims 23 and 25 are dependent on the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Rogers. Accordingly, the dependent Claims 23 and 25 are allowable as being dependent on an allowable base claim.

Within the Response to Arguments section of the office action, it is stated that "none of the claims to which Rogers ('736) has been applied require a paint can in combination with a second body holding the paint can." The Applicant respectfully disagrees with this response. As discussed above, Rogers ('736) has been applied to Claims 22, 23 and 25, which teach a body configured for holding paint within one or more integral paint compartments.

### **Rejections Under 35 U.S.C. § 103**

Claims 19 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stockton in view of US Patent No. 5,400,916 to Weber (hereinafter "Weber"). The Applicant respectfully disagrees with the Examiner. Claims 19 and 26 are dependent on the independent Claims 16 and 22, respectively. As discussed above, the independent Claims 16 and 22 are allowable over the teachings of Stockton. Accordingly, the dependent Claims 19 and 26 are allowable as being dependent on an allowable base claim.

Claims 20 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Stockton in view of Weber, and further in view of US Patent No. 5,630,666 to Rodriguez (hereinafter "Rodriguez"). The Applicant respectfully disagrees with the Examiner. Claims 20 and 27 are dependent on the independent Claims 16 and 22, respectively. As discussed above, the independent Claims 16 and 22 are allowable over the teachings of Stockton. Accordingly, the dependent Claims 20 and 27 are allowable as being dependent on an allowable base claim.

Claim 26 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers in view of Weber. The Applicant respectfully disagrees with the Examiner. Claim 26 is dependent on the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Rogers. Accordingly, the dependent Claim 26 is allowable as being dependent on an allowable base claim.

Claim 27 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers in view of Weber and further in view of Rodriguez. The Applicant respectfully disagrees with the Examiner. Claim 27 is dependent on the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Rogers. Accordingly, the dependent Claim 27 is allowable as being dependent on an allowable base claim.

Claim 28 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers in view of Briggs. The Applicant respectfully disagrees with the Examiner. Claim 28 is

dependent on the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Rogers. Accordingly, the dependent Claim 28 is allowable as being dependent on an allowable base claim.

There is no rejection of Claim 21 within the Office Action. Accordingly, because Claim 21 is dependent, the Applicant presumes that Claim 21 is objected to. Claim 21 is dependent on the independent Claim 16. As discussed above, the independent Claim 16 is allowable over the teachings of Stockton. Accordingly, the dependent Claim 21 is also allowable as being dependent on an allowable base claim.

For the reasons given above, applicants respectfully submit that the Claims 1-28 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (650) 833-0160 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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